

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TIMOTHY KING, *et.al.*,
Plaintiffs,

Case No. 20-cv-13134
Hon. Linda V. Parker

v.

GRETCHEN WHITMER, in her official capacity
as Governor of the State of Michigan, *et.al.*,
Defendants,

and

ROBERT DAVIS,
Intervenor Defendant.

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**INTERVENOR DEFENDANT ROBERT DAVIS' MOTION FOR
THE COURT TO TAKE JUDICIAL NOTICE OF MOTION FOR
LEAVE TO WITHDRAW AS COUNSEL FILED IN THE UNITED**

**STATES DISTRICT COURT FOR EASTERN DISTRICT OF
PENNSYLVANIA AGAINST DONALD J. TRUMP FOR
PRESIDENT, INC. PURSUANT TO FED.R.EVID. 201.**

NOW COMES, INTERVENOR DEFENDANT ROBERT DAVIS
(hereinafter “Intervenor Defendant Davis”), by and through his
attorney, ANDREW A. PATERSON, and for his Motion for the Court To
Take Judicial Notice of Motion for Leave to Withdraw as Counsel filed
in the United States District Court for Eastern District of Pennsylvania
Against Donald J. Trump for President, Inc. Pursuant to Fed.R.Evid.
201, states the following:

I. Concurrence

Pursuant to Local Rule 7.1, prior to filing the instant motion,
counsel for Intervenor Defendant Davis sought concurrence from
Plaintiffs’ counsel, but concurrence was denied, necessitating the filing
of this motion.

II. Law and Legal Analysis

**A. The Court Should Take Judicial Notice of The Motion to
Withdraw Filed In the United States District Court for the
Eastern District of Pennsylvania against Donald J. Trump,
for President, Inc.**

Rule 201 of the Federal Rules of Evidence allows the court to take judicial notice of “adjudicative facts” which are “not subject to reasonable dispute” because they are “either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot be questioned.” FED. R. EVID. 201(b). Rule 201(c) of the Federal Rules of Evidence further provides that the Court “must take judicial notice if a party requests it and the court is supplied with the necessary information.” FED. R. EVID. 201(c). Moreover, “[t]he court may take judicial notice at any stage of the proceeding.” FED. R. EVID. 201(d).

Here, Intervenor Defendant Davis is respectfully requesting the Court to take judicial notice of the Motion for Leave to Withdraw as Counsel filed on January 7, 2021 by attorneys representing Donald J. Trump for President, Inc., in the matter of *Donald J. Trump for President, Inc v Philadelphia Board of Elections*, Case No. 20-cv-05533, U.S. District Court for Eastern District of Pennsylvania. (**See Motion for Leave to Withdraw attached as Exhibit A**). What is of great significance and importance for the Court to take judicial notice of is President Trump’s soon-to-be former legal counsel alleges that his

client, Donald J. Trump for President, Inc., “**has used the lawyer’s services to perpetrate a crime and the client insists upon taking action that the lawyer considers repugnant and with which the lawyer has a fundamental disagreement.**” (*Id.*)

Intervenor Defendant Davis believes the allegations asserted by counsel for President Donald J. Trump in the motion for leave to withdraw as counsel (Exhibit A) relate to the improper conduct of the Plaintiffs and Plaintiffs’ counsel in the instant case, which Intervenor Defendant Davis believes warrants Plaintiffs and Plaintiffs’ counsel to be sanctioned by the Court. (ECF No. 69). It is well-settled in the Sixth Circuit that “a federal court may take judicial notice of the proceedings in other courts of record.” *Rodic v. Thistledown Racing Club, Inc.*, 615 F.2d 736, 738 (6th Cir.1980) (quoting *Granader v. Public Bank*, 417 F.2d 75, 82-83 (6th Cir. 1969) (citing cases)), cert. denied, 449 U.S. 996, 101 S.Ct. 535, 66 L.Ed.2d 294 (1980). “[T]hese court records are available online to members of the public; as they are court records, this court may take judicial notice of them.” *Lynch v Leis*, 382 F.3d 642, 647 n.5 (6th Cir. 2004).

CONCLUSION

WHEREFORE, for the foregoing reasons, Intervenor Defendant Davis prays that this Honorable Court GRANT his motion for the Court to take judicial notice of the motion for leave to withdraw as counsel filed on January 7, 2021 by attorneys representing Donald J. Trump for President, Inc., in the matter of *Donald J. Trump for President, Inc v Philadelphia Board of Elections*, Case No. 20-cv-05533, U.S. District Court for Eastern District of Pennsylvania.

Dated: January 8, 2021

Respectfully submitted,

/s/ ANDREW A. PATERSON
ANDREW A. PATERSON (P18690)
Attorney for Intervenor Defendant
Robert Davis
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(248) 568-9712

CERTIFICATE OF SERVICE

I, ANDREW A. PATERSON, certify that forgoing document(s) was filed and served via the Court's electronic case filing and noticing system (ECF) this 8th day of January 8, 2021, which will automatically send notification of such filing to all attorneys and parties of record registered electronically.

Dated: December 5, 2020

Respectfully submitted,

/s/ ANDREW A. PATERSON
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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DONALD J. TRUMP FOR PRESIDENT, INC.

v.

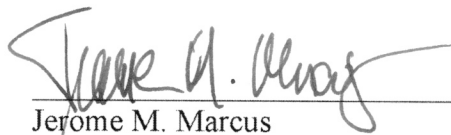
Case No.: 20-5533

PHILADELPHIA COUNTY BOARD OF ELECTIONS

**MOTION FOR LEAVE TO WITHDRAW
AS COUNSEL FOR PLAINTIFF**

The Undersigned respectfully requests leave of this Court to withdraw as counsel for Plaintiff in this action pursuant to Pennsylvania Rule of Professional Conduct 1.16(b)(3) and (4) inasmuch as the client has used the lawyer's services to perpetrate a crime and the client insists upon taking action that the lawyer considers repugnant and with which the lawyer has a fundamental disagreement.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I, Jerome M. Marcus, Esquire hereby certify that on this 7th day of January, 2021, I served a true and correct copy of the foregoing Motion for Leave to Withdraw as Counsel for Philadelphia on all counsel of record via email.

/s/ Jerome M. Marcus
Jerome M. Marcus, Esquire